

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Samir A. Aljafari

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Saffren & Weinberg, 815 Greenwood Ave., Ste. 22
Jenkintown, PA 19046 (215) 576-0100

DEFENDANTS

Pep Boys, Ichan Automotive Group, LLC a/k/a Starfire
Holdings, and Ichan Enterprises, LP

County of Residence of First Listed Defendant Camden
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER/STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability LABOR <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 42 U.S.C. 2000-1 e-1, et seq (Title VII)

Brief description of cause:
 Religious and National Origin Discrimination in Employment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

August 31, 2021

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SAMIR A. ALJAFARI
7234 Barnard Street, 1st Floor
Philadelphia, PA 19149

Plaintiff,

v.

PEP BOYS
314 Haddonfield Road
Cheery Hill, NJ 08002

and

ICHAN AUTOMOTIVE GROUP, LLC a/k/a
STARFIRE HOLDINGS
27300 W. 11 Mile Road
Southfield, MI 48034

and

ICHAN ENTERPRISES, L.P.
767 5th Avenue, Ste. 4700
New York, NY 10153

Defendants.

Civil Action

Jury Trial Demanded

COMPLAINT

I. PRELIMINARY STATEMENT

1. Plaintiff, Samir A. Aljafari brings this action under Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. § 2000-1 e-1 *et seq* ("Title VII") for Religion, National Origin and Retaliation, The New Jersey Law Against Discrimination, N.J.S.A. 10:5-12(a), *et seq*, and pursuant to applicable New Jersey common law. Plaintiff seeks equitable relief, compensatory and punitive damages, costs and attorney's fees from Defendants for Defendants' discriminatory practices, retaliation, and other tortuous actions.

II. JURISDICTION AND VENUE

2. Jurisdiction over this action is conferred on this Court by 28 U.S.C. §1331, 1343 and 42 U.S.C. §2000 e-5(f).

3. Plaintiff has complied with all jurisdictional prerequisites including those set forth in 42 U.S.C. §2000 e-5 and was issued a Notice of Right to Sue by the Equal Employment Opportunity Commission. (See Exhibit “A”).

4. Venue is proper in the District of New Jersey pursuant to 28 U.S.C. §1391 and 42 U.S.C. § 2000 e-5.

5. At all times material hereto, Pep Boys, Ichan Automotive Group, LLC and Ichan Enterprises, LP (hereinafter collectively referred to as “Defendants”) were “engaged in an industry affecting commerce” within the meanings of §701(a) and 701(b) of Title VII, 42 U.S.C. §2000e.

6. At all times material hereto, Defendants, employed more than 150 employees.

7. At all times material hereto, Defendants, were an “employer” as defined by §701(b) of Title VII, 42 U.S.C. §2000 e.

8. At all times material hereto, Defendants, were an “employer” as defined by the New Jersey Law Against Discrimination.

9. At all times material hereto, Defendants, were an “employer” of Plaintiff as defined by the New Jersey Law Against Discrimination.

10. At all times material hereto, the Defendants’ discrimination occurred within the district of this Court, in Cherry Hill, Camden County, New Jersey.

III. THE PARTIES

11. Plaintiff, Samir A. Aljafari (hereinafter “Aljafari”), is an adult male of who is a Muslim, Jordanian male.

12. Upon information and belief, Defendants operate a Pep Boys automotive service shop, located at 314 Haddonfield Road, Cherry Hill, New Jersey, with a registered address and a principal place of business located at the above-captioned address, wherein Plaintiff was employed.

13. Upon information and belief, Vinny Lemmo (hereinafter “Lemmo”), a Caucasian male, was employed by Defendants and at all times material hereto had the authority to discipline and terminate Aljafari.

14. At all times material hereto, the discrimination enumerated within this Complaint occurred within the Commonwealth of Pennsylvania at Defendants’, Pep Boys location in Cherry Hill, New Jersey.

IV. FACTUAL BACKGROUND

15. Plaintiff was rehired by Defendants on or about November 17, 2020, as a Manager-in-Training, to become a Service Manager.

16. At the time of his re-hire, Mr. Aljafari was a manager-in-training, and was unable to run a Pep Boys store without supervision.

17. Mr. Aljafari understood, at the time of his re-hire that he would be needed to run the Frankford Avenue, Philadelphia, PA, Pep Boys location.

18. Mr. Aljafari began his training at the Defendants’ Cherry Hill location.

19. On or about December 3, 2020, Lemmo asked for “volunteers” to run the North

Broad Street, Philadelphia, PA Pep Boys location. However, it was well known by employees of Pep Boys that the North Broad Street Pep Boys had a significant problem with COVID-19.

20. When no one volunteered to work at the North Broad Street Pep Boys, Lemmo told Ms. Aljafari he must go work at the North Broad Street Pep Boys.

21. Mr. Aljafari voiced his concerns about COVID-19 at the North Broad Street location and the safety of that location, and the fact that he had not yet completed his training.

22. Prior to being told he had to go work at the North Broad Street Store, Mr. Aljafari was repeatedly asked “where are you from” by Lemmo.

23. Mr. Aljafari, who is from Jordan, was the only Arabic employee at the Pep Boys store in Haddonfield.

24. Mr. Aljafari often prayed in his car, up to five times a day, as required of his Muslim faith.

25. Defendants and Lemmo were aware of Mr. Aljafari’s religion and national origin.

26. Mr. Aljafari was singled out and targeted based upon his national origin and religion, by Lemmo.

27. Other non-Muslim, non-Arabic employees were not forced to transfer to a COVID-19 infested location.

28. On December 6, 2020, when Mr. Aljafari refused to work at the North Broad Street location, he was told that if he did not go work at the North Broad Street location, Lemmo would consider that his resignation.

29. On December 7, 2020, Plaintiff was terminated by the Defendants, in violation of Title VII and the NJLAD.

30. Mr. Aljafari was treated differently than other employees of the Defendants because of his religion and National Origin.

31. At all times material hereto the harassment, hostile work environment and discrimination to which Mr. Aljafari was subjected was unwelcome, severe and unreasonably altered the condition of his employment.

32. Mr. Aljafari was profoundly upset and affected by the discrimination, harassment and hostile work environment that he was subjected to during the course and scope of his employment.

33. During the course and within the scope of his employment at Defendants, Mr. Aljafari was treated less favorably than similarly situated, non-Muslim and non-Jordanian employees.

34. At all times material hereto, Lemmo aided and abetted the aforementioned harassment, hostile work environment and discrimination to which Plaintiff was subjected.

35. The aforementioned conduct of Defendants and Lemmo was materially adverse and would dissuade a reasonable worker from exercising and/or attempting to exercise their rights and benefits under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000, *et seq.* and the New Jersey Law Against Discrimination.

36. Defendants had a continued need for the work that Plaintiff had been Performing, as evidenced, in part, by Plaintiff's re-hire.

37. Notwithstanding, Plaintiff's complaints and clear indication to Defendants that the aforesaid comments and conduct of Lemmo were unwelcome, unwanted and upsetting, the harassing conduct continued throughout the course of his employment with Defendants.

38. At no time did Defendants, or any of the principles, supervisors, managers, officers, directors, or agents of Defendants, institute an effective grievance procedure designed to eliminate racial discrimination of employees and no reasonable steps were taken to prevent the same in the workplace; and if said policy existed; Defendant failed to follow any requirements of said policy.

39. As a direct and proximate result of Defendants' aforesaid acts and omissions, the hostile work environment which was created thereby, and Defendants' discriminatory practices, Plaintiff:

- (a) was discharged from his employment to his great financial detriment
- (b) was caused pain and suffering, physical injury and a loss of enjoyment of life; and
- (c) suffered severe emotional distress, embarrassment, humiliation and depression.

COUNT I
SAMIR A. ALJAFARI V. PEP BOYS, ICHAN AUTOMOTIVE GROUP, LLC A/K/A
STARFIRE HOLDINGS, AND ICHAN ENTERPRISES, L.P.
VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT
OF 1964, 42 U.S.C. 2000 *et seq*

40. Plaintiff hereby incorporates by reference all of the aforementioned allegations set forth above.

41. The conduct of Defendants and Lemmo's treatment of Plaintiff in his employment violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000, *et seq* as Plaintiff's harassment, hostile work environment, retaliation and discrimination was based upon his Religion and National Origin.

WHEREFORE, Plaintiff, Samir A. Aljafari, demands judgment against Defendants, Pep Boys, Ichan Automotive Group, LLC a/k/a Starfire Holdings, and Ichan Enterprises, L.P., including:

- (a) A declaration that Defendants' actions as described herein violated Title VII of the Civil Rights Act of 1964;
- (b) equitable and declaratory relief requiring Defendants, to institute sensitivity and other training for all managers, employees and supervisors to prevent racial harassment and discrimination and retaliation in the workplace;
- (c) equitable and declaratory relief requiring Defendants, to institute and enforce a specific policy and procedure for investigating and preventing complaints relating to racial harassment and discrimination and retaliation;
- (d) equitable and declaratory relief requiring the posting of notices on the premises so that employees will know and understand their rights and remedies, including official company policy;
- (e) compensatory damages for Plaintiff's loss of past and present future income and benefits, pain and suffering inconvenience, embarrassment, emotional distress and loss of enjoyment of life;
- (f) punitive damages;
- (g) payment of interest and Plaintiff's attorney's fees and costs associated with bring the claim; and
- (h) such other relief as this Court may deem appropriate under the circumstances.

COUNT II

**SAMIR A. ALJAFARI V. PEP BOYS, ICHAN AUTOMOTIVE GROUP, LLC A/K/A
STARFIRE HOLDINGS, AND ICHAN ENTERPRISES, L.P.
VIOLATION OF NEW JERSEY LAW AGAINST DISCRIMINATION,
N.J.S.A. 10:5-12(a), et seq.**

42. All aforementioned paragraphs are incorporated by reference as if fully set forth at length herein.

43. The conduct of Defendants' treatment of Plaintiff in his employment violated the New Jersey Law Against Discrimination, N.J.S.A. 10:5-12(a), *et seq*, as Plaintiff's harassment, hostile work environment, retaliation and discrimination was based upon his Religion and National Origin.

44. Defendants' employment practices deprived Plaintiff of equal employment opportunities and otherwise affected his status as an employee because of his Religion and National Origin.

45. As a direct and proximate result of Defendants' actions, conduct and omissions, Plaintiff has suffered the injuries and damages set forth herein past and future earnings, income, benefits, and opportunities as well as pain and suffering, severe emotional distress, mental anguish, embarrassment and a loss of enjoyment of life's pleasure.

WHEREFORE, Plaintiff, demands judgment against Defendants, including: for compensatory damages, including but not limited to front and back pay, equitable relief such as reinstatement to rightful place, retroactive relief such as seniority and entitlement, injunctive relief including but not limited barring future discriminatory conduct; attorneys' fees, interest, costs of suit, and such other and further relief as may be provided by statute and as this Court deems just.

Respectfully submitted,

SAFFREN & WEINBERG

BY: 

MARC A. WEINBERG, ESQUIRE

Atty. I.D. No.: 60643

815 Greenwood Avenue, Suite 22

Jenkintown, PA 19046

(215) 576-0100

mweinberg@saffwein.com

Dated:

EXHIBIT A

EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Samir A. Aljafari**
7234 Barnard Street, 1st Floor
Philadelphia, PA 19149

From: **Philadelphia District Office**
801 Market Street
Suite 1000
Philadelphia, PA 19107



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

530-2021-01774

Legal Unit,
Legal Technician

(267) 589-9707**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Dana R. Hutter,
Deputy Director

6/7/2021

(Date Issued)

Enclosures(s)

cc:

Kate Arduini Blumenthal, Esq.
ICAHN AUTOMOTIVE GROUP LLC
112 Townpark Drive NW, Suite 300
Kennesaw, GA 30144

Marc A. Weinberg, Esq.
SAFFREN & WEINBERG
815 GREENWOOD AVENUE, SUITE 22
Jenkintown, PA 19046

Enclosure with EEOC
Form 161 (11/2020)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.